



# The Healthy Schools Act of 2000 (AB 2260)

## Frequently Asked Questions

### Abbreviations & Acronyms

DPR	Department of Pesticide Regulation
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
IPM	Integrated pest management
U.S. EPA	United States Environmental Protection Agency

## 1. Definitions

### 1-1. Integrated pest management (or IPM) has various definitions. How does the Healthy Schools Act define IPM?

The Healthy Schools Act defines IPM as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and using mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. Note that this definition applies only to IPM in schools. [Food and Agricultural Code § 13181]

### 1-2. What's a pesticide?

The term *pesticide* means any substance that controls, destroys, repels, or attracts a pest. Pesticides include insecticides, insect repellents, miticides, herbicides, fungicides, fumigants, nematocides, rodenticides, avicides, plant growth regulators, defoliants, desiccants, antimicrobials, and algicides. For additional information about antimicrobials such as sanitizers and disinfectants see 3-11 and 3-16. Antimicrobials, which include swimming pool chlorine and toilet bowl cleaners, are exempt from notification and posting, but you should only use products with a U.S. EPA registration number that are also registered for use in California. (To see if a product is registered in California, go to DPR's Web site [www.cdpr.ca.gov](http://www.cdpr.ca.gov), and click on Product Info at the bottom right, then select Product/Label Database.) Plant nutrients, fertilizers, and soil amendments are not considered pesticides unless they include a pesticidal active ingredient (e.g., weed-and-feed products). If the label of a pesticide you intend to use lacks a U.S. EPA registration number, check to see if it's exempt from registration (see 3-15). If it isn't exempt, don't use it. See [www.schoolipm.info](http://www.schoolipm.info) for more information. [Food and Agricultural Code § 12753]

### 1-3. What's a school district designee?

A school district designee is the individual identified by the school district to carry out the requirements of the Healthy Schools Act. For example, school districts have designated business officers, risk managers, or maintenance and operations directors as school district designees. This person may also be called the IPM coordinator (see 1-5).

#### **1-4. What are the school district designee's responsibilities?**

The designee makes sure that

- ▶ parents and staff receive annual written notification about pesticidal products expected to be used at each school.
- ▶ parents and staff have the opportunity to register if they want to receive notification of each pesticide application at the school.
- ▶ parents and staff receive written notification at least 72 hours in advance if the school decides to use a pesticidal product not listed in the annual notification.
- ▶ schools post signs 24 hours before and 72 hours after a pesticide application
- ▶ schools keep records of pesticide applications

See 2-4, 2-5, and 3-1 for more information about these requirements. [Education Code §§ 17609(d), 17612]

#### **1-5. What's an IPM coordinator?**

In many districts, an IPM coordinator is equivalent to the school district designee (see 1-3 and 1-4). The Healthy Schools Act requires the Department of Pesticide Regulation (DPR) to establish a train-the-trainer program for IPM coordinators (see 6-1). School districts may choose to appoint the IPM Coordinator as the school district designee to implement the school IPM program as outlined in the Healthy Schools Act. [Education Code § 13183(a)(2)(B)]

#### **1-6. What's a crack-and-crevice treatment?**

The law defines crack-and-crevice treatment as the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors. [Education Code § 17609(b)]

## ***2. Notification and Posting***

#### **2-1. When do schools have to begin notification and posting about pesticide use?**

The notification and posting requirements of the Healthy Schools Act of 2000 became effective January 1, 2001.

#### **2-2. How do schools implement annual notification about pesticides?**

Beginning in 2001, pesticides expected to be used during the upcoming year should be identified in a written list given to parents and staff. The list should also include the DPR Internet address for information on pesticides and reduced-risk alternatives ([www.schoolipm.info](http://www.schoolipm.info)). The author of the bill intended the notification to be part of other one-time notices that school districts are required to send to parents, usually at the beginning of the school year. The logic is that putting this information in a packet with other notices will reduce costs. School districts and pest control operators, where applicable, may want to coordinate this activity and develop a system that works for them. See DPR's school IPM Web Site at [www.schoolipm.info](http://www.schoolipm.info) for examples of such notifications. [Education Code § 17612]

#### **2-3. How does the pesticide registry work?**

The registry takes the notification process one step further. The law requires the school district designee or IPM coordinator to provide parents and staff the opportunity to register with the school district if they want to receive notification of individual pesticide applications at the school. The school will notify those who register at least 72 hours before the application. The notice shall include the product name, the active ingredient in the product, and the intended date of application. [Education Code § 17612(a)(1)]

**2-4. How long before and after a pesticide application occurs must warning signs be posted?**

Signs must be posted 24 hours before a pesticide application and 72 hours afterward. [Education Code § 17612(d)]

**2-5. What should the warning signs say?**

Signs must prominently display the words “Warning—Pesticide-treated Area,” and must include the product name, manufacturer’s name, the U.S. EPA’s product registration number, intended date and areas of application, and reason for the application (target pest). The law does not specify the color of the sign’s text or the size of the lettering, but does state that the sign should be visible to anyone entering a treated area. The word *Warning* displayed on the sign does not refer to the pesticide toxicity signal words, “danger, warning, caution,” but is universal language for “watch out!” DPR has sample warning signs in English and Spanish available for downloading. (See the DPR school IPM Web Site, [www.schoolipm.info](http://www.schoolipm.info).) (See also 3-8) [Education Code § 17612(d)]

**2-6. What about vandalism of signs? What happens when a sign is removed before the posting period is over?**

The law doesn’t address this. Some districts place reusable laminated signs in outdoor areas, and a few districts are experimenting with semi-permanent silk-screened metal signs. In both cases, the school district designee writes information on the signs with an erasable marker and the information can be removed 72 hours after a pesticide application.

**2-7. Do schools have to notify and post when they make applications during breaks?**

The law does not specifically address this. Even when schools are closed during certain times of the year, students or members of the community may enter school grounds for one reason or another. Teachers often stop in during vacation periods to plan lessons or organize their classrooms. Many districts try to plan ahead and list any pesticides expected to be used during the entire school year, notify registered parents and staff before all applications, and post the sprayed area year round.

**2-8. If a school is contiguous with an orange grove and the school district owns the land on which the orange trees are planted, does the district have to notify and post when the grove is sprayed? The grove is completely fenced with locked gates—off-limits to students.**

The grove, although owned by the school district, is not a schoolsite per the Healthy Schools Act definition under Education Code section 17608(e). The term *schoolsite* includes the buildings or structures (including attics and crawl spaces), playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. Therefore, the school does not have to notify or post with regard to pesticides used in the grove.

However, the school, as property owner of the orange grove (a production agriculture site) may have other posting or notification requirements for a pesticide application based upon the pesticide product label and/or permit conditions established by the local county agricultural commissioner. If a production agriculture site is located next to a school and there is concern about off-site movement of pesticides, contact the local county agricultural commissioner ([www.cdpr.ca.gov/docs/counties/caclist.htm](http://www.cdpr.ca.gov/docs/counties/caclist.htm)). The commissioner follows up on any reported illness that may be pesticide related or any complaint about pesticide applications.

## **2-9. How do schools operated by the California Youth Authority comply with the Healthy Schools Act?**

The school administrator is required to notify the chief medical officer (CMO) of the facility at least 72 hours before a pesticide application. The CMO must then take any steps necessary to protect the health of the pupils in that facility. The California Department of Health Services recommends the following: (1) the CMO of each facility should provide a list of all pesticides expected to be used in the facility during the year with a copy of the product label (or product U.S. EPA registration number), and the Material Safety Data Sheet (MSDS) for each item on the list; (2) pest control businesses should provide specific pesticide use information for school applications; (3) staff assigned pest control duties and contracted pest control businesses should give the CMO 72 hours notice of specific applications; (4) the yearly list of pesticides anticipated to be used should be posted at the entry to the facility and a copy provided to all staff members; (5) employees must be trained before handling any pesticide, and annually thereafter; and (6) the CMO should thoroughly investigate any complaint or suspected illness due to application of a pesticide and take appropriate action. [Education Code § 17612(e) and information provided by the California Department of Health Services]

## **2-10. How do schools get reimbursed for expenditures on paperwork and mailing?**

For reimbursement, check your school business office for state-mandated cost reimbursement forms. [Government Code § 17610]

# ***3. Pesticide use record keeping and reporting***

## **3-1. Who is required to keep records?**

Under the Healthy Schools Act, each school must keep records of every pesticide application, except for pesticides exempt from this requirement, for a period of four years (see 3-8). The law also requires licensed pest control businesses hired by a school to do pest control to keep records of pesticide use and report a summary of that use (see 3-2). This requirement is intended for commercial applicators who already report pesticide use to the county agricultural commissioner. Commercial applicators include licensed pest control businesses that are licensed by either DPR or the Structural Pest Control Board. [California Code of Regulations §§ 6624, 6627; Business and Professions Code § 8505.17(c)]

## **3-2. Who actually has to report pesticide use at schools?**

Applications made by school personnel need not be reported, except when a restricted use material is used (as defined in 3CCR 6400) by school personnel holding either a Qualified Applicator Certificate or a Qualified Applicator License. That person must report this use to his or her county agricultural commissioner each month (See 3-7). See 3-1 and 3-8 for additional information about record keeping for restricted use materials.

Pest control businesses contracted by schools have two reports to submit for pesticide use at schools: (1) the Monthly Summary Pesticide Use Report to the county agricultural commissioner that includes pesticides used at schools, and (2) the new [School Site Pesticide Use Reporting form](#) (PR-ENF-117) submitted at least annually to DPR. (This requirement began January 1, 2002.)

The law states that the latter forms shall be submitted annually. For those applying pesticides toward the end of December the report should be submitted as soon as possible, such as January of the following year. To access the new form, go to <http://www.cdpr.ca.gov/docs/enfcmpli/prenffrm/prenf117.pdf> [California Code of Regulations § 6624(a)(3); Food and Agricultural Code § 13186(a)(b)(c)]

**3-3. When a licensed pest control business applies a pesticide on school grounds, who is the responsible party for use reporting?**

The licensed pest control business is responsible for completing DPR's school site pesticide use reporting form and submitting it to DPR. The school district, although not responsible for use reporting, must keep records of all pesticide applications at each school for four years, including those made by licensed pest control businesses. The district may include the Healthy Schools Act reporting requirements when they contract for services of licensed pest control businesses. [Food and Agricultural Code § 13186]

**3-4. Are licensed pest control businesses required to report school pesticide applications as part of their existing monthly reports to the county agricultural commissioner?**

Yes—pest control businesses must continue to report school applications on their Monthly Summary Pesticide Use Report to the local county agricultural commissioner. After January 1, 2002, pest control businesses must also submit a new form, the School Site Pesticide Use Reporting form, at least annually to DPR. Therefore, all pesticide applications to schools by licensed pest control businesses in 2002 should be submitted to DPR on the new form as late as December 31, 2002 or as soon as possible during January 2003. (See 3-5 and 3-6.) [Food and Agricultural Code § 13186(b)(c); California Code of Regulations §§ 6624, 6627]

**3-5. When do licensed pest control businesses have to begin reporting pesticide use in schools?**

The applications performed at schools by licensed pest control businesses beginning January 1, 2002, are subject to reporting. The actual report for 2002, which must be submitted at least annually, would be due by December 31, 2002 or as early as possible during January 2003. The law requires licensed pest control businesses to submit pesticide use reports at least annually to DPR. To keep track of pesticide applications at schools, licensed pest control businesses will complete School Site Pesticide Use Reporting forms provided by DPR. Pest control businesses will send completed forms directly to DPR, not to the county agricultural commissioners. (See 3-2, 3-3, and 3-4.) [Food and Agricultural Code § 13186(b)(c)]

**3-6. Who collects or receives pesticide use report data on school use?**

DPR collects these data from licensed pest control businesses.

**3-7. What pesticide use do schools report to the county agricultural commissioners? Does the Healthy Schools Act change that?**

When school districts use restricted materials on school property, they report the applications to the county agricultural commissioner in the Monthly Summary Pesticide Use Report. The Healthy Schools Act does not change this existing requirement. [California Code of Regulations §6626, 6627, 6628]

**3-8. Do schools have to keep records of every pesticide used and each application?**

Under the Healthy Schools Act, each school must keep records of every pesticide application (except for pesticides exempt from this requirement) for a period of four years (see 3-11). School records must include the pesticide product name, manufacturer's name, U.S. EPA registration number, intended date and areas of application, reason for application, and amount of pesticide used. Records must be available to the public upon request. As a simple way to keep records, schools may keep a copy of the posted warning sign, making sure to add the pesticide quantity applied. DPR recommends that schools keep records of all pest management practices, including those that are exempt from notification and posting. [Education Code §§ 17611, 17612(d)]

Additionally, existing regulations require each school to keep records for two years after each application of a restricted material (separate from the four-year records kept for Healthy Schools Act requirements). These records must include the date of application, the treated property operator's name, location of the property and exact site treated, total acreage or units treated at the site, pesticide name with the U.S. EPA registration number, and amount of pesticide used. [California Code of Regulations § 6624(a)(2),(b),(e)]

### **3-9. How do schools make records available to the public?**

The Healthy Schools Act is a right-to-know law, so anyone who wants access to records can retrieve them as paper copies (kept in file folders, for instance) or as computer files, depending on what the specific school district has available. [Education Code § 17611]

### **3-10. Which pesticidal active ingredients are exempt from the provisions of this law?**

Certain provisions of the law (record keeping, written notification, and posting) do not apply to pesticidal products used as self-contained baits or traps; gels or pastes used as crack and crevice treatments; pesticides exempted from regulation by U.S. EPA; or antimicrobial pesticides, including sanitizers and disinfectants. For example, this means that chlorine used in swimming pools is exempt from the provisions of this law. (For further information about pesticides exempt from registration in California, see [www.cdpr.ca.gov/docs/canot/ca00-6.htm](http://www.cdpr.ca.gov/docs/canot/ca00-6.htm). Questions 3-11, 3-12, and 3-13 also pertain to this topic.) [Education Code § 17610.5]

### **3-11. What are self-contained baits or traps?**

The general interpretation, and the practice by school officials and pest management professionals in California, has been to consider tamper- and child-resistant bait stations—whether they be for rodents, general pests, or termites—all to be “self-contained” bait stations. The law does not specify a precise definition of self-contained.

U.S. EPA lists eight criteria for tamper-resistant rodent bait boxes. The criteria suggest that the boxes should be: (1) resistant to weather, (2) strong enough to prohibit entry by large non-target species, (3) equipped with a locking lid and/or secured rebaiting hatches, (4) equipped with entrances that readily allow target animals access to baits while denying access to larger non-target species, (5) capable of being anchored securely to resist efforts to move the container or to displace its contents, (6) equipped with an internal structure for containing baits, (7) made in such a way as not to be an attractive nuisance, and (8) capable of displaying proper precautionary statements in a prominent location. Corresponding criteria do not exist for other types of bait boxes or bait stations. [Food and Agricultural Code § 12973, <http://www.epa.gov/REDs/2100red.pdf>]

### **3-12. Is granular gopher bait—the kind put into gopher tunnels underground—exempt from requirements of the Healthy Schools Act?**

No, nor is gopher bait used in gopher runs. Only bait in a self-contained bait station is exempt.

### **3-13. Which pesticides are exempted from registration by the U.S. EPA?**

The U.S. EPA, under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 25(b), exempts pesticides from registration if they contain certain active ingredients. These are primarily food-grade materials such as mint oil, clove oil, and sodium lauryl sulfate (derived from coconut and commonly found in toothpaste). Some DPR-exempt products require additional wording on labels, but are otherwise the same as U.S. EPA-exempt products. [California Code of Regulations § 6147]

**3–14. How can I tell if a particular product is exempted from registration by the U.S. EPA?**

If the product label does not make pesticidal claims (e.g., repels and kills mosquitoes!, kills mildew), then the product is probably exempt. However, products that are exempted from registration under FIFRA Section 25(b), may still be voluntarily registered by the manufacturer at both the state and federal levels. If this is the case (you can tell by looking for a registration number), then the label will not say it is exempt because such language is prohibited by law. You will then need to check whether the active ingredients listed on the label are found on the FIFRA 25(b) list (see 3–13). (See <http://www.schoolipm.info/> and select “Laws & Regulations.” Click on “Pesticides Exempt from the Healthy Schools Act.”) [California Code of Regulations § 6147]

**3–15. What are antimicrobials?**

Antimicrobials, such as disinfectants and sanitizers, are pesticides that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime. Although sanitizers and disinfectants are exempt from notification and posting requirements under the Healthy Schools Act, they are not exempt from licensed pest control business requirements to report pesticide use. Applicators should use only registered antimicrobial products. [Food and Agricultural Code § 12995; Education Code §17609(a); [www.epa.gov/oppad001/ad\\_info.htm](http://www.epa.gov/oppad001/ad_info.htm)]

**3–16. How do I get information about pesticidal products? Active ingredients? Human health impacts? Environmental fate?**

See DPR’s School IPM Web Site, [www.schoolipm.info](http://www.schoolipm.info) (Health & Environment), for links to this information.

## ***4. Enforcement and compliance***

**4–1. What happens if school districts or pest control businesses do not comply with the requirements of this law?**

The Healthy Schools Act contains no specific enforcement authority (see also 4–2).

**4–2. Who enforces requirements for posting, annual written notification requirements, and school district pesticide use record keeping?**

Since these requirements are under the Education Code, enforcement is the responsibility of the local school district superintendent and the district’s elected school board members. The California Department of Education’s School Facility Planning Division is available as a resource to local school districts. For the ultimate interpretation of Healthy Schools Act requirements, the school district should refer to its legal counsel.

**4–3. Are private schools exempt from the Healthy Schools Act? What about community colleges?**

The law covers public facilities used for purposes of day care, kindergarten, elementary, or secondary school. Schools include buildings or structures, playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. The law exempts private schools, private day-care facilities, and colleges even when attended by secondary school students. However, DPR will provide any interested public or private institution with information on starting an IPM program. [Education Code § 17609(e)]



**4-4. Are schools on federal property such as military bases exempt from the Healthy Schools Act?**

The law does not apply to schools under federal jurisdiction. Pest managers of military bases may voluntarily want to comply with the law as if schools at bases were under state jurisdiction. However, state-funded schools that operate on military bases are not exempt. Schools located within the boundaries of Indian reservations and rancherias are also exempt from requirements of the Healthy Schools Act.

**4-5. Which pesticides can be legally used on school grounds? Does the label have to specify school grounds?**

First read the label to identify the terms used. A product label does not have to specify school grounds for an allowable use within school buildings or on school grounds. Pesticide labels registered by U.S. EPA or DPR may use such terms as *for institutional use*; *for use in kitchens, dining areas, in and around buildings, such as schools, hospitals, etc.* When indicating outdoor use, terms include *for use on turf and ornamentals*, and *for use on playing fields*. Some labels, such as vertebrate pest control products, may refer only to the pest with such terms as *(for control of mice) place bait along runways*, or *place bait in main (gopher) tunnel*. In a few instances the manufacturer may indicate that the product should not be used in schools. Contact your local county agricultural commissioner's office for assistance in determining if a product is appropriate to use within school buildings or on school grounds.

**4-6. Which pesticide use sites are located on school grounds?**

Pesticide use sites (also known as "site codes") include institutional, agricultural, structural, rights of way, turf and ornamental, landscape, and regulatory. If you examine the product label, you'll see a list of appropriate sites where you can legally use the product.

**4-7. What situations on school grounds require a certified applicator or licensed pest control business?**

Only certified applicators (Qualified Applicator Certificate—QAC) or licensed applicators (Qualified Applicator License—QAL) may apply federally restricted-use materials such as aluminum phosphide or Phostoxin®. State-determined restricted use materials may be applied only by a person holding a QAC or QAL who possesses a restricted-use material permit issued by the local county agricultural commissioner. Some school districts require that all pesticide applications be supervised or performed by certified or licensed applicators. A pest control business license is required of any person or company performing pest control for hire.

**4-8. What happens when a city or county park adjoins a school and functions as the school's playground? Does the city or county have to notify and post when applying pesticides (usually herbicides) to the park?**

City and county property is exempt from the requirements of the Healthy Schools Act if it is not used as a schoolsite. Some school districts and local agencies have signed a memorandum of understanding or joint use agreement so that the property becomes school property and the requirements of the Healthy Schools Act apply, including notification and posting.

**4-9. What if my district has planned its pesticide applications far in advance on specific dates. Are we complying with the law if we simply notify all parents at the beginning of the year about these applications?**

Yes, the district has fulfilled the annual notification requirements if it notifies all parents at the beginning of the year. However, the law also specifies that the school district designee will notify parents and staff, *who register in advance with the school* of individual applications at least 72 hours before the application. The law does not specify how early you can notify those who have registered. Keep in mind that the



Healthy Schools Act is a right-to-know law, and notifying people too far in advance will defeat the law's purpose because they may fail to remember. Individual school districts should decide the most convenient approach that also complies with the intent of the law.

## **5. Developing an IPM program**

### **5-1. Where do I get information about IPM programs, policies, and practices?**

See DPR's school IPM Web Site, [www.schoolipm.info](http://www.schoolipm.info), for a link to school IPM information. In early 2002, DPR developed a new, improved IPM in Schools Web Site, offering information on pesticidal products, a directory of resources describing least-hazardous pest management practices at schools, the model IPM program guidebook, and ways to reduce the use of pesticides at school facilities. The Web site also provides the public with information about public health and environmental impacts of pesticides. [Education Code § 17612(a), Food and Agricultural Code § 13184(a)(b)]

### **5-2. How is DPR getting information out to school staff?**

Working with school districts and the California Department of Education, DPR has identified IPM coordinators and provided information to them. DPR is also doing outreach to groups such as Coalition for Adequate School Housing, California Association of School Business Officials, Professional Association of Pesticide Applicators, Pest Control Operators of California, risk managers for school districts, and others.

## **6. Training**

### **6-1. What do the regional workshops offered by DPR cover?**

Under the Healthy Schools Act, DPR must offer IPM training to enable school districts to establish their own IPM programs. The law specifies that DPR use a train-the-trainer approach as appropriate to disseminate information rapidly, and should emphasize training on a regional basis before focusing on individual school districts. Training workshops highlight IPM principles, pest prevention, monitoring, and the use of least-hazardous pest management practices. DPR plans to offer regional training workshops statewide in 2002-03. Specific dates and locations of training workshops will be posted to DPR's school IPM Web Site ([www.schoolipm.info](http://www.schoolipm.info)). [Food and Agricultural Code § 13185]

## **Acknowledgments**

Thank you to everyone who's asked questions about the Healthy Schools Act, and to the following DPR staff who helped write and review the answers: Adrienne Alvord, Sheryl Beauvais, Kathy Boyle, Madeline Brattesani, Nita Davidson, David Duncan, Veda Federighi, Chris Geiger, Nan Gorder, Lyn Hawkins, Eileen Mahoney, Belinda Messenger, Regina Sarracino, Ada Ann Scott, Jay Schreider, Jon Shelgren, Sewell Simmons, Mac Takeda, Jim Walsh, Angelica Welsh, and Muffet Wilkerson. For their expert reviews we also thank Cato Fiksdal, Los Angeles County Agricultural Commissioner, California Agricultural Commissioners and Sealers Association, and Tony Hesch, California Department of Education.

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*August 2002*